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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/431,357	11/01/1999	PRASAD Y. CHEBROLU	2705-92	8571

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11/29/2002

MARGER JOHNSON & MCCOLLOM PC
1030 SW MORRISON STREET
PORTLAND, OR 97205

EXAMINER

CALDWELL, ANDREW T

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 11/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/431,357

Applicant(s)

CHEBROLU, PRASAD Y.

Examiner

Andrew Caldwell

Art Unit

2154

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 November 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 1-17.

Claim(s) withdrawn from consideration: None.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See attached Notice of References Cited (PTO-892)

Andrew Caldwell
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Continuation of 5. does NOT place the application in condition for allowance because: the arguments are not deemed persuasive.

First, the Applicant challenges the Examiner's taking of official notice in the first Office action of the fact that it is known in the art to allocate the channels of a hunt group across multiple access servers (see paper no. 2 page 6). This fact is shown, among other places, in Figure 13 on page DC-28 of the Cisco reference accompanying this advisory action. Furthermore, the Examiner would point out that the Applicant's challenge to the taking of official notice is not seasonable. MPEP 2144.03.

Second, the Applicant argues that Fratto I's teachings are limited to only analog calls and offer no solution whatsoever to handling a digital ISDN call to an access server. Assuming without conceding the correctness of this argument, the claim language contains no language requiring the handling of ISDN calls. The Applicant is therefore arguing a feature that is not claimed.

Third, the Applicant asserts that case of prima facie obviousness has not been made with respect to the limitation of routing new client service requests during the busy condition of associated channels of a given access server to another access server within the same hunt group. This feature follows as a logical consequence of having a hunt group spread across multiple access servers. The whole point of having a hunt group is to automatically route service requests to another access server if all channels on one access server are busy. The hunt group will act this way regardless of whether the channels are busy because they (a) are in use or (b) busied out during system maintenance. The Examiner therefore disagrees with the assertion that a prima facie case of obviousness has not been made.

Fourth, the Applicant asserts that the references fail to teach a system that determines that a once used channel has become substantially unused. As to this argument, the Examiner directs the applicants to paragraph 38 of the final Office action (paper no. 5).